

Re Box No. V

1A<sup>20</sup>Rec'd PCT/PTO 09 MAR 2006

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statements**

1. This opinion refers to the following documents D1 – D2; the numbering is also maintained in further methods;

D1: US 2002 158 921 – A1 (SILVERSTEIN) October 31, 2002

D2: US 5 602 566 (MOTOSYUKU et al.) February 11, 1997\*

\* refers to a document which concerns the general expert knowledge of the person skilled in the art.

2. The independent claims 1 and 12 do not fulfill the requirements of the Article 33(2) PCT, because the subject-matter is not novel with regard to document D1.

Document D1 discloses (see Figures 1A and 1B and associated text) an input device (100) for inputting control instructions into a data processing system with the following features:

- a movement acquisition device (108) for capturing a translative movement of a reference point of the input device (100) and for outputting relevant movement data (see paragraph [0016], first seven lines; see also paragraph [0018], last six lines; and paragraph [0019], first five lines);
- a display device (102) with a first display field for displaying a field of control elements (see the field of control elements on the screen 102, in Figure 1B), to which at least one specific control instruction is allocated (see paragraph [0024], each software key can be activated, in other words pressed);

- a control device for controlling the display device (102) in such a way that the field of control elements is displaced in response to or in accordance with the movement data outputted by the movement acquisition device (108) on the first display field (see paragraphs [0019] and [0021]); and
  - a selector device (hardware keys) to select a control element from the field of control elements located in a specific selection segment of the first display field (102) [see paragraph [0024], each software key can be activated, i.e. pressed, by a hardware key).
3. The dependent claims 2 to 11 and 13 do not contain any features, which, in combination with the features of any claim to which they relate, fulfill the requirements of the PCT with regard to novelty (Article 33 (2) PCT) or inventive step (Article 33(3) PCT).
- 3.1 The additional features of claim 2 are disclosed in D1 (see the Figures 1A and 1B and paragraph 24). Those of claims 3 to 5 are also disclosed in D1 (see paragraph [0033]).
- 3.2 The additional features of claim 6 are wide-spread within the specialized circle (see D2 for instance, the abstract). Those of claims 7 to 9 (software keys) are also disclosed in D1 (see paragraph [0024], lines 12 to 16).
- 3.3 The additional features of claim 10 to 11 are a few of a number of the most obvious possibilities from which the person skilled in the art would correspondingly select without inventive activity, e.g. to improve user feedback.
- 3.4 The additional features of claim 13 are a few of a number of systems to which the person skilled in the art would apply the input device described in D1. Such an application therefore contains no inventive step.

4. For the purpose of completeness, reference is made to the following insignificant deficiencies:
  - 4.1 Contrary to the requirements of the Rule 5.1 (a)(ii) PCT, the documents D1 to D2 are not mentioned in the description, and their applicable content is not at least briefly defined.
  - 4.2 Contrary to the requirements of the Rule 6.3 (b) PCT, the independent claim 1 is not drawn up in the two-part form in the present case such that features, which are known in combination from the prior art (see D1), are introduced into the preamble of the claim (Rule 6.3(b)(i) PCT) and the remaining features are introduced into the characterizing part of the claim (Rule 6.3(b)(ii) PCT).
5. The claims 1 to 13 are not allowable for the reasons cited above in section 1 to 4. In view of the available prior art, it is also not evident that a part of the application could form the basis for a new, allowable claim. It is thus to be disregarded that a negative international preliminary examination report is drawn up.

If the applicant files amended application documents, it is worth noting that the subject-matter extends beyond the content of the application as filed originally (Article 19(2) and 34(2)(b) PCT).

To facilitate the examination of the amended application documents with regard to Article 19(2) and 34(2)(b) PCT, the applicant is requested to clearly set forth and indicate in which passages in the originally filed application these amendments are based, regardless of whether these changes are additions, substitutions or deletions.

If necessary, these particulars can be written by hand on copies.

of the relevant parts of the original application.